

San Francisco, California 94104

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7 FOR MCI:

8 LeBOEUF, LAMB, GREENE & MacRAE
BY: THOMAS E. McDONALD, ATTORNEY AT LAW
9 One Embarcadero Center, Suite 400
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13 TAKEN AT:

14 LeBOEUF, LAMB, GREENE & MacRAE
One Embarcadero Center, Suite 400
15 San Francisco, California 94111

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1 BE IT REMEMBERED THAT, pursuant to
2 Notice of Taking Deposition and on Tuesday, April 15,
3 1997, commencing at the hour of 1:25 p.m., before me,
4 SANDRA L. CARRANZA, CSR NO. 7062, RPR, there personally
5 appeared

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7 MICHAEL MALLIN,

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9 called as a witness by the Complainants, who, having been

10 first duly sworn, was examined and testified as

11 hereinafter set forth.

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1 MICHAEL MALLEN

2 having been duly sworn, testified as follows:

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4 EXAMINATION BY MR. McDONALD

5 MR. McDONALD: Q. Can you state your name,

6 please.

7 A. Michael Mallen, M-a-l-l-e-n.

8 Q. And by whom are you employed?

9 A. Pacific Bell. It's SPC now.

10 Q. My name is Tom McDonald and I represent MCI in

11 this proceeding. I will be asking you a series of
12 questions. What I'd like you to do is listen to my
13 question, it may take me a while to formulate it. When I
14 have completed the question, for the answer to be
15 recorded, it has to be an oral yes or no, or some kind of
16 an answer, rather than simply a nod or a gesture.

17 A. Okay.

18 Q. Have you ever been deposed before?

19 A. Yes, I have.

20 Q. Can you describe for me how many times you have
21 been deposed?

22 A. Quite a few, actually.

23 Q. All in connection with your employment?

24 A. No. In this particular instance, I can't

25 recall. I have been deposed while I was an employee of
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1 Pacific Bell, but prior to that, I have been.

2 Q. So you are familiar with the question and answer
3 form?

4 A. Yes, I am.

5 Q. Have you ever been a party to a court case?

6 A. Yes, I have.

7 Q. Have you ever been convicted of a felony?

8 A. No.

9 MR. KOLTO-WININGER: Do you know any convicted
10 felons?

11 THE WITNESS: Yes.

12 MR. McDONALD: Q. In preparation for this

13 deposition, did you talk with anyone besides

14 Mr. Kolto-Wininger?

15 A. No, I did not.

16 Q. Did you review any document?

17 A. Prior to this?

18 Q. Yeah.

19 A. Not really.

20 Q. Did you look at any transcripts, say, of other

21 witnesses?

22 A. No, I haven't.

23 Q. What is your current title?

24 A. Vice president.

25 Q. Is that within a group or division?

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1 A. Of industry markets, the industry markets group.

2 Q. How long have you had that position?

3 A. I have been vice president of what's called

4 premier markets group for approximately a year and a half.

5 Q. What did you do prior to that?

6 A. I was sales vice president for telemanagement

7 services division..

8 Q. What kind of work did that involve?

9 A. I was in charge of the market segment, which was

10 responsible for shared use Centrex.

11 Q. How long did you have that position?

12 A. I was in that group before I headed it. I

13 headed it for about two years and had been in that group

14 for about a total of seven or eight years roughly, seven

15 to ten years.

16 Q. Did you have another position with Pacific
17 before that?

18 A. Yes, I did.

19 Q. How long have you been employed with Pacific?

20 A. 17 years.

21 Q. Prior to these last two positions, can you
22 describe, generally, the nature of positions you held?

23 A. Since 1985, I was in sales and marketing, a
24 variety of positions. A sales manager, regional manager
25 in the national accounts groups, as well as major
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1 marketing, which are the larger customers, retail side,
2 and then prior to 1985, from 1980 through '85, I was in
3 operations.

4 My first jobs were technical type jobs where I
5 was responsible for installation and maintenance of PBX,
6 when we were AT&T. And then after that -- subsequent to
7 that, I was involved in network management and business
8 testing. I ran the San Francisco business test center for
9 all of the testing of complex business services.

10 Q. Prior to your employment with Pacific Bell in
11 1980, did you hold other full-time employment with other
12 employers?

13 A. Yes, I did.

14 Q. Can you just describe it, generally?

15 A. Prior to my employment, I was assistant budget
16 director for the City and County of San Francisco,
17 responsible for the criminal justice agencies. Prior to

18 that, I was in the San Francisco Police Department, and
19 prior to that I was in the U.S. Army. And prior to that,
20 I worked for U.S. Steel as a chemical engineer. And
21 that's basically it.

22 Q. Can you describe your educational background?

23 A. I have a BS in chemistry, a Bachelor of Arts in
24 English literature, a Master's in business administration.

25 Q. And what institutions did you obtain each of
0009 those degrees from?

2 A. I went to Stanford University, San Francisco
3 State University, and University of Southern California.
4 That's the order of the degrees.

5 Q. So you got the chemistry degree from Stanford?

6 A. Stanford; San Francisco State, English, and my
7 MBA from U.S.C.

8 Q. In your current position as -- is it the vice
9 president of premier markets?

10 A. That's correct.

11 Q. What are your responsibilities?

12 A. I am responsible for the account teams that
13 support MCI, Sprint, and Pacific Bell Communications, our
14 long distance company.

15 Q. How many people directly report to you?

16 A. Three account vice presidents and then an
17 assistant, my assistant; four people.

18 Q. Who in the MCI team directly reports to you?

19 A. Kathy Flynn Miles, the account vice president.

20 Q. To whom do you report?

21 A. I report to Liz Fetter, president of industry

22 markets.

23 Q. In your position, do you have occasion to work

24 with Jerry Sinn?

25 A. Yes, I do.

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1 Q. In what fashion, say, since 1985, have you had

2 reason to work with Mr. Sinn?

3 A. Jerry is vice president of the customer services

4 division of industry markets, and he is responsible for

5 providing customer service, maintenance, provisioning.

6 His people have the ICSC's, which are the order centers

7 for the carriers, and he is a member of the senior

8 leadership team, of which I belong, which runs the

9 industry markets group.

10 Q. If you were to describe his responsibilities as

11 contrasted with yours, am I correct to understand that

12 you -- your group has the dealings -- you are the

13 interface with the customer and his group tends to be the

14 operational group?

15 A. His group is the operational group but they also

16 do -- I would differentiate the difference between Jerry

17 Sinn's organization and responsibilities would be that

18 mine are responsible for sales and marketing and support

19 around applications and business needs versus provisioning

20 that service and maintaining that service and testing the

21 service, implementing the service.

22 Q. And currently, do you have reason to work with

23 John Stankey?

24 A. Yes, I do.

25 Q. Can you describe the nature of that
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1 relationship?

2 A. John Stankey was recently appointed the vice
3 president of resale, and he runs the Local Interconnection
4 Service Center, which we call the LISC. And he is
5 responsible for getting the resale business running and,
6 of course, my customers are the CLC's, who are getting
7 into that business, so we do have considerable interface.

8 Q. Now, starting back -- when did you first --
9 strike that.

10 Are you involved in the Pacific Bell's resale
11 business?

12 A. Am I involved in it, yes, I am.

13 Q. When did you become involved in it?

14 A. I became involved when we first began the
15 implementation of that, I believe last August.

16 Q. So that would be August of 1996?

17 A. Yes.

18 Q. And do you have responsibilities, in connection
19 with the resale business, that's different from what you
20 described as generally your duties as vice president?

21 A. No. The business at that time was virtually
22 zero. There were no orders, and the -- as the CLC's came
23 into California, most of them very slowly started placing
24 orders. Our LISC center from August through September or
25 October was virtually quiet.

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1 Q. And you are aware at some point that changed?

2 A. Yes.

3 Q. When did you become aware that that had changed?

4 A. Probably started to see more activity in

5 November of 1996.

6 Q. How did you learn of the increase in LISC

7 activity?

8 A. Because it was so quiet. We had reports of how

9 many orders were coming through our LISC because it

10 usually can be counted on one hand or a couple of fingers,

11 at that time.

12 Q. Did someone advise you that, all of a sudden,

13 there's been this upsurge in resale orders coming through

14 the LISC?

15 A. There was a progression of orders from virtually

16 zero to larger numbers during the time frame from August

17 through November.

18 Q. As a result of that, did you learn of there

19 being problems identified by CLC's with LISC operations?

20 A. Not as a result of the numbers, no.

21 Q. Did you learn that CLC's were voicing complaints

22 about LISC operations?

23 A. At what time?

24 Q. Well, say, beginning of November of '96?

25 A. I recall questions. I am not sure that there

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1 were any complaints, specific complaints made, but there

2 were questions having to do with order processing of the

3 orders in November. I don't recall any specific

4 complaints being made at that time.

5 Q. Is there a system in place for you to
6 communicate regularly with people in the MCI account team?

7 A. Yes.

8 Q. And was there such in place as of August 1996?

9 A. When you say system, communication channels with
10 the MCI team, yeah, absolutely.

11 Q. Between August of 1996 and current, has that
12 process or procedure, whatever system you had in place to
13 communicate with the account team, has that changed?

14 A. There have been many changes between -- in terms
15 of systems having to do with resale during that time, but
16 in terms of my communications, I wouldn't call it a
17 system. It's communicating with the account teams. We do
18 that on a regular basis, and review performance and
19 revenue and that kind of thing.

20 Q. Do you have a regular series of communications
21 with people on the account team, for example, every other
22 Monday morning you get together and talk about current
23 developments with the account?

24 A. We have regular leadership meetings where I meet
25 with the account heads, and we review how our performance
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1 is.

2 Q. And that would be -- you'd meet with the account
3 heads, the three customers that you identified, PBC,
4 Sprint, MCI?

5 A. That's correct.

6 Q. How often do you meet with those individuals?

7 A. Every other week.

8 Q. One of the things you attempt to determine is

9 the level of customer satisfaction through those

10 discussions with your account team leaders?

11 A. Not necessarily. Account team -- customer

12 satisfaction, account satisfaction, that gets either

13 expressed to us from the customers directly or in formal

14 measurement. In the case of MCI, its their access carrier

15 evaluation, and then through escalations or displeasure,

16 to individuals in the account team or myself.

17 Q. Can you describe what the access carrier

18 evaluation is?

19 A. It's a formalized process that seems to be

20 evolving with MCI at the moment, because it has changed

21 over a period of a couple of years. But it's a

22 standardized MCI format that's applied nationally to all

23 the carriers that MCI does business with, and gives

24 ratings on -- as to -- a numeric rating or percentage of

25 satisfaction with a variety of subjects that they feel are
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1 critical to their business.

2 Q. And does MCI provide that to you?

3 A. They provide it to the account team and myself,

4 yes.

5 Q. On what kind of basis?

6 A. It has been every quarter but it's changed, and

7 the system that they use to provide that, which used to be

8 a total, a large -- which was a very large package of
9 valiative subjects of the relationship and the business
10 that's done with Pacific Bell, as well as the other RBOC's
11 in the United States. And it used to give good and bad.
12 Now, as of late -- the last year, it has changed, and they
13 just tell you what's wrong. They don't tell you what you
14 have done good.

15 Q. What, if anything, do you do with that
16 evaluation that you receive from MCI?

17 A. We review that with the executives of MCI, and
18 those issues of performance become -- become a subject of
19 evaluation. And we try, with MCI's help, to develop an
20 action plan to resolve that issue in a given time frame.

21 Q. Have you undertaken that kind of effort since
22 August of 1996, with respect to the resale business?

23 A. No. They have not made a subject of the access
24 carrier evaluation. We have asked if -- when they were
25 going to do that, and that's something that hasn't evolved
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1 yet.

2 Q. They didn't say it was too much to try to report
3 or manage?

4 A. There are a lot of other divisions that derive a
5 lot more revenue than resale does.

6 Q. That may be useful to put in perspective. Your
7 responsibilities in connection with MCI are not limited to
8 resale; is that right?

9 A. Absolutely not. Access and the Internet and
10 exchange services and products.

11 Q. As of currently, the resale part of the business

12 is a relatively minor part; is that fair to say?

13 A. Yeah, at the moment it is, actually.

14 Approximately, I believe the '97 numbers for MCI are

15 (\$ --) --

16 MR. McDONALD: Let's agree to strike the numbers

17 from the record. I don't want that --

18 MR. KOLTO-WININGER: Can you not write that into

19 the record. Let's go off the record for a second.

20 (Discussion off the record.)

21 MR. McDONALD: Q. Since August of 1996, how

22 much of your time, as vice president in premier markets,

23 has been devoted to addressing issues with resale?

24 A. As a percentage of my time?

25 Q. Yes.

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1 A. Less than five percent, August through November,

2 and probably between 10 and 25 percent of my time after

3 November.

4 Q. What gave rise to the increase in the amount of

5 time that you are required to devote to the resale

6 business?

7 A. The actual beginning of implementation of resale

8 in California, and ultimately, the implementation of the

9 Telecommunications Act and the interconnection agreements

10 between Pacific and the CLEC's.

11 Q. As your involvement with the resale business

12 increased after November, did you become aware of

13 complaints that were voiced by CLC's about LISC

14 operations?

15 A. Yes.

16 Q. And among those complaints, did you learn of

17 assertions that the LISC was not timely issuing Firm Order

18 Completions, FOC's?

19 A. In general?

20 Q. Yeah.

21 A. Yes.

22 Q. And was that an issue that was brought to you?

23 A. Yes.

24 Q. Do you remember when that issue was first

25 brought to you?

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1 A. I would say probably towards mid to end of

2 December.

3 Q. How did the issue get to you?

4 A. Through customer contacts, executive contacts.

5 Q. So individuals, from the customers?

6 A. Customers.

7 Q. And were those written communications or oral

8 telephone calls, do you remember?

9 A. Probably both.

10 Q. And what did you do in response to those

11 communications?

12 A. I went back to the account teams and asked them

13 to investigate this, and to see if these problems were

14 justified and to attempt to get them resolved.

15 Q. And as to MCI, did you discuss that issue with

16 people in the MCI account team?

17 A. Yes.

18 Q. With whom did you discuss that?

19 A. With Kathy Flynn Miles, Debbie Nightingale, the

20 director responsible for MCI's resale, as well as, I

21 believe, the RMC, Sue Fischer.

22 Q. Focusing on the four-hour FOC issue, to your

23 knowledge, was that issue addressed after you contacted or

24 communicated with the members of the MCI account team?

25 A. It was addressed, and it was -- at that time, we

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1 did have -- MCI was not on automated entry systems, and so

2 they were sending boxes via Federal Express to the LISC,

3 and they were also faxing some orders. So there wasn't an

4 order entry system. There wasn't any way, except

5 manually, of compiling the orders at that time.

6 Q. And so that's where you understood was the cause

7 of the LISC's inability to issue a FOC within four hours,

8 is because the orders were being submitted manually or on

9 paper?

10 A. It was a whole variety of reasons that probably

11 caused it, but in terms of that particular snapshot in

12 time, there probably were many reasons. Predominant

13 reasons were, however, the lack of an order entry system

14 to see what was there, so that you could inventory what

15 you had at any given moment.

16 Literally, boxes of orders being Federal

17 Expressed, not knowing if they were duplicates or

18 whatever, and then faxes coming in that were duplications.

19 It was very difficult to see how many orders you had on
20 hand, and what had been done, and inventory and that kind
21 of thing. Very, very difficult.

22 Q. Did you learn of that order entry system from
23 talking with the account team representatives?

24 A. I knew which CLC's were preparing to get on to,
25 what was called the NDM system at the time, Network Data
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1 Mover, and where they were in terms of accomplishing that.

2 There were some CLC's that were ahead of others and that
3 had taken the time to get on board with that, and others
4 that had not.

5 Q. But so far as these initial delays in December
6 or thereabouts, your understanding was that the LISC was
7 not able to issue a FOC within four hours because of the
8 volume of orders that were submitted via paper rather than
9 via NDM?

10 A. I would expand upon that. I would say that they
11 probably couldn't acknowledge that they had received an
12 order because of the confusion of the numbers of orders
13 that had been sent to them, and the variety of mechanisms
14 that they received them with, which would have been
15 faxing, Federal Express, telephone, whatever.

16 And also, being able to keep a consistent
17 inventory of literally, what I understood at that time,
18 were a few thousand orders. So they could have
19 acknowledged one and not acknowledged another, and they
20 wouldn't have any way of knowing because of the confusion

21 and methodology. There wasn't any standardized accepted
22 way to inventory and to register which orders had been
23 processed and not processed.

24 Q. So at the LISC, there was not, at that time, an
25 established system for sort of logging in a paper order;
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1 is that right?

2 A. There were -- I would say that there were, to my
3 knowledge, ways of doing that and that that was occurring,
4 that it required cooperation with the CLC's, so that there
5 was some consistency in process. And that certainly
6 didn't occur, because we didn't have complete agreement
7 with some of the CLC's on who was going to get on NDM and
8 who was going to send boxes of orders manually.

9 Q. To your knowledge, were efforts undertaken to
10 resolve the four-hour FOC issue?

11 A. I think that the four-hour FOC issue, at this
12 particular time, was a minor one. The major issue was
13 what orders did you receive and how many of them had you
14 received, because there was such large discrepancies,
15 because of the duplication of orders being sent and moved
16 back and forth.

17 Q. Doesn't the issuance of a FOC, doesn't that act
18 as a confirmation to the CLEC that an order has been
19 submitted and now Pacific has it?

20 A. Yes. However, if you have discrepancies, in
21 terms of what are called PON's, and having received some
22 with multiple orders underneath those that were

23 duplicates, you may have, in fact, sent a FOC, believed
24 that you had that acknowledged by the CLC, because they
25 acknowledged it, but then later, get a claim that they
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1 hadn't received the order, or try to get a status on the
2 order.

3 And because it was a manual process and there
4 were no automated systems, it required the individuals to
5 have to manually stop what they were doing and see what
6 the status was, and often there was a disagreement there.
7 It was a very poor system on both sides, very, very poor.

8 Q. If there were errors in the orders that were
9 being submitted, the LISC has a process of issuing a
10 rejection notice, right?

11 A. Correct.

12 Q. So if the LISC were adequately staffed to
13 receive the volume of orders submitted via paper, to
14 determine whether the order was error-free or subject to
15 errors, could the LISC not have either issued the FOC or
16 issued a rejection notice within the four-hour interval?

17 A. That's very possible that that could happen.
18 However, my understanding was that if you don't have a
19 system which tells you that you have received orders, and
20 you just received another box of a thousand orders, of
21 which 700 are duplicates, because the CLC didn't know
22 whether -- they had no way -- they weren't recording maybe
23 perhaps acknowledgement of the order back from Pacific
24 Bell or they didn't know what they had, so they re-sent
25 them all.

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1 There was no way, because of no automated
2 system, to know what orders had been processed or not. It
3 would require a manual process. If you think about having
4 to go back and redo, say, a thousand orders again, to have
5 to manually double-check and look to see where that was,
6 it's extremely cumbersome, time consuming, it just
7 accentuates the backlog. That's literally where it was at
8 that time.

9 So I would tell you that if I felt like I had an
10 automated manual process of where I was able to track
11 orders, and my customer wasn't acknowledging what I had
12 done because of a variety of reasons, whether on their
13 part it would be understaffing or confusion or the wrong
14 number associated with the PON, or duplicate orders that
15 they didn't realize that they had sent in duplicates or
16 their fax machine was off, which is something else I
17 recall. When we faxed back things, we'd fax back for days
18 and realized that the fax machine had been turned off.

19 It's very difficult, once you have gotten in a
20 state of affairs like that, it was to stop everything.
21 It's not just one CLC, other CLC's as well, so it's very
22 difficult. It's not the best of all records and it
23 requires a great deal of cooperation from the sending
24 parties and receiving parties, and a process that's
25 understood well by both. I hope that answers your

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1 question.

2 Q. I appreciate that. So looking at the December

3 time frame, the four-hour FOC interval, I think you have
4 given your understanding about the variety of reasons why
5 that interval was not met.

6 A. Uhm-hum.

7 Q. Now, were there efforts undertaken to try to
8 mechanize the intake system within the LISC and to get
9 CLC's onto the NDM process?

10 A. Yes, there were efforts made to do that, and
11 when you are dealing with numerous CLC's who are having to
12 get their systems up and running and get them into the
13 code, the codes written that they need for their systems
14 and their interfaces, it takes time. It's cumbersome, and
15 to establish that process, it's not easy, but it did
16 finally get done with most of the CLC's.

17 Q. And at some point early this year, MCI went to
18 NDM?

19 A. That's correct.

20 Q. To your knowledge, has that alleviated the
21 four-hour FOC interval issue?

22 A. No.

23 Q. Have you undertaken any investigation to
24 determine what may be other causes for that issue not to
25 be resolved?

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1 A. Well, I personally -- I worked with -- you know,
2 Jerry Sinn was responsible at that time for that, and then
3 subsequently John Stankey, and my knowledge of working
4 with them is a variety of reasons why that occurred,
5 predominantly, volumes, capacity issues.

6 Q. When you say capacity issues, do you mean that
7 the LISC, at least up through the current time, has not
8 been adequately sized to be able to timely process the
9 volume of orders that had been submitted by CLEC's?

10 A. What it says is that the LISC, the operation is
11 at the mercy, we believed -- and asked for forecasts from
12 the CLC's. And during that time and during the upstart of
13 that organization, in attempting to get the system up and
14 running and to devise a schedule of implementation over a
15 period of time, which is extremely complex and difficult,
16 it's an extraordinarily complex business, very difficult
17 to start up from ground zero.

18 You are at the mercy of the input volumes of
19 orders for resale; and those numbers from the get-go were
20 nothing, zero to slight numbers that could easily be
21 handled, to, ultimately, enormous volumes which
22 overwhelmed the numbers of people there.

23 You have to realize that it takes an enormous
24 amount of people, systems and processes to smoothly and
25 effectively move those orders within the premises of the
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1 process through the LISC, and you are at the mercy of the
2 input.

3 And when a mistake is -- as I explained earlier,
4 it's still basically a manual process with automated entry
5 system that allows you to at least inventory. You are
6 still at the mercy of the volumes, the types of orders and
7 how they are processed, the accuracy of those orders by

8 the CLC's. There was -- et cetera, et cetera, because

9 it's a very human dependent.

10 So I think you have to take all that into

11 consideration when you make a statement about how a

12 four-hour FOC commitment is made or not made. It's all

13 dependent on the capacity and throughput of that manual

14 process.

15 Q. But if the LISC had current capacity to handle

16 the current number of orders, you would not expect to see

17 the four-hour FOC interval failing to be met?

18 MR. KOLTO-WININGER: I will object as calling

19 for speculation and lacking foundation. But go ahead and

20 answer what you know.

21 THE WITNESS: I would say that there were many

22 other variables that would affect that, such as the

23 accuracy of the orders, the type of orders that are put

24 in, and whether they are done properly or not. Obtaining

25 agreement from the sending party and the receiving

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1 parties, so that the process is accepted in the same

2 fashion, not disputed, so that one person, through sending

3 things, believes they did all the things and the receiving

4 party doesn't believe, and when you have a manual process,

5 it's very difficult to get agreement there.

6 So I think that there is a lot of other issues

7 that enter into the four-hour FOC commitment, and what

8 causes that to occur or not to occur, beyond just volume

9 capacity. If there was sufficient resources, are those

10 resources knowledgeable. Is the customer CLEC

11 knowledgeable. Are they always consistent. Is there an
12 agreement or receipt of the sending. Are the clocks the
13 same. Is the confirmation process agreed upon in the same
14 manner. And all those enter into it.

15 And when you get to enormous volumes where you
16 don't have those capacities, and they are further
17 aggravated by the kind of things I just described, it
18 becomes a very, very difficult situation in the manual
19 process to resolve that. That's why we are trying to get
20 to a flow-through where it's computerized, and it flows
21 through, so you don't have to deal with those issues.

22 MR. McDONALD: Q. Have you been involved in
23 efforts to try to devise resolutions to the four-hour FOC
24 interval issue?

25 A. I was at one time, but now John Stankey is
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1 predominantly responsible for that, his organization does
2 that. I offered the account teams, obviously, because
3 they interface with a customer. The accounts team is
4 usually the receiving end for complaints, probably always
5 will be, for an issue that doesn't get resolved in the
6 typical channels.

7 So I have been involved from that standpoint, to
8 facilitate issue resolution, but John Stankey's group and
9 organization is predominantly responsible for that.

10 Q. Is it your view that the account team, and in
11 your role as vice president, are there to act as a
12 advocate for the customers within other units of Pacific

13 Bell?

14 A. That was predominantly the role. I realized
15 that the CLC's, the carriers -- that you never see their
16 vice president; they are a very large customer. They are
17 a very large business partner. They are also a
18 competitor, and so as a result, there's conflicting
19 relationships.

20 The account team is the advocate to make sure
21 that that customer is represented fairly, that they get --
22 that there is an advocate there to work with them on their
23 needs, not Pacific's needs. And that's what the account
24 team is for, and that's true in the wholesale business or
25 the retail business.

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1 Q. In that capacity, have you or members of the
2 account team presented to other units within Pacific Bell
3 MCI's position about some of the issues? And we will go
4 through them, but the four-hour FOC interval is one.

5 A. Yes. We've even done better than that. We --
6 we did have executive conference calls with MCI, other
7 people, where I had my counterparts or representatives
8 from those organizations actually present at those
9 conference calls to resolve issues and to give status of
10 those issues.

11 So like John Stankey or Jerry Sinn or Lee
12 Garrett or someone like that would be at those meetings
13 with me and other members of the account team, or subject
14 matter experts with a variety of problems or issues that
15 MCI would bring up.

16 Q. Now, in addition to the four-hour FOC issue, I
17 think you also already talked about the lack of a tracking
18 system, at least early on at the LISC, to be able to --
19 for the LISC to be able to identify, in a given moment,
20 what the status of the pending order might be.

21 A. I wouldn't call it a lack of a system. If you
22 call that manual log a lack of a system -- I believe they
23 had a manual log. And I think you probably -- the
24 experience in your life would tell you how reliable it is.
25 If you are dealing with thousands of orders, trying to
0030
1 find one in a manual log, it's very difficult.

2 Q. It's a fair statement that the manual log was
3 not a sufficient system or process to have in place to
4 attempt to provide status information about pending
5 orders?

6 MR. KOLTO-WININGER: Did you say it's sufficient
7 or efficient?

8 MR. McDONALD: Sufficient.

9 MR. KOLTO-WININGER: I will object as vague and
10 calling for speculation. But go ahead and give your best
11 answer.

12 THE WITNESS: I would say that it is not
13 desirable to have a manual log. I would have to have an
14 electronic system that I could change with a keying and
15 obtain the status.

16 MR. McDONALD: Q. Did you ever discuss with
17 anyone why such an automated system was not in place by